

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. 10-20166

D-1 JERMAINE LOVE JACKSON,

Defendant.

\_\_\_\_\_ /

SENTENCING, VOLUME 2

BEFORE THE HONORABLE MARK A. GOLDSMITH

Flint, Michigan, Tuesday, June 7th, 2011.

APPEARANCES:

FOR THE PLAINTIFF:

CRAIG F. WININGER  
U.S. DEPARTMENT OF JUSTICE  
600 Church Street, Room 210  
Flint, MI 48502

FOR THE DEFENDANT:

RICHARD D. KORN  
645 Griswold Street  
Suite 1717  
Detroit, MI 48226

David B. Yarbrough, CSR, FCRR  
Official Court Reporter  
(313) 410-7000

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WITNESSES:  
NONE

EXHIBITS

NONE

1 Flint, Michigan

2 Tuesday, June 7th, 2011.

3 At or about 9:57 a.m.

4 -- --- --

5 THE CLERK OF THE COURT: The Court calls case number  
6 10-20166, defendant one, United States of America versus  
7 Jermaine Love Jackson. Counsel, please state your appearances  
8 for the record?

9 MR. KORN: Good morning, your Honor. Richard Korn  
10 appearing on behalf of Mr. Jackson who is present with his wife  
11 and his mother.

12 (Pause)

13 MR. WININGER: Good morning, your Honor. On behalf  
14 of the United States, Craig Wininger. I apologize for walking  
15 into your Court tardy, your Honor. I hoped to grab the brief  
16 so we could address some of the issues today.

17 THE COURT: All right. This is the date and time to  
18 resume the sentencing of the defendant. We started our  
19 sentencing proceeding last week and an issue arose dealing with  
20 whether to assign any criminal history points for a delayed  
21 sentence in a prior case that involved the defendant. I  
22 adjourned the sentencing at that time to give both sides an  
23 opportunity to present the Court with any authority on the  
24 issue. There any authority either side wants to draw to my  
25 attention?

1 MR. KORN: Your Honor, I have no additional authority  
2 to put before the Court. I will rest with respect to that  
3 issue on the argument in my sentencing memorandum and the plain  
4 language of the guidelines.

5 THE COURT: All right. Anything for the government?

6 MR. WININGER: No, your Honor. Beyond the  
7 supplemental information provided by the probation; that is,  
8 their supplemental report as well as the order, the actual copy  
9 of the order delaying sentence in defendant's case, his  
10 underlying Genesee County case, the government has nothing  
11 additional.

12 THE COURT: Ms. Collins from probation did send me a  
13 letter, I believe everyone has received.

14 MR. KORN: That is correct, your Honor.

15 THE COURT: And that's dated June 3, 2011 and it  
16 addresses the issue of the order of delayed sentence that was  
17 handed down by the Genesee County Circuit Court in case number  
18 08-23617-FH and the letter attaches a copy of the order of  
19 delayed sentence which I have now reviewed. Both sides agree  
20 that whether we scored two points for that delayed sentence  
21 will not impact on the criminal history category; is that  
22 correct?

23 MR. KORN: That is correct, your Honor.

24 MR. WININGER: Yes, your Honor.

25 THE COURT: Nonetheless because we do need to do a

1 proper scoring of the guidelines, I'll give you my ruling on  
2 that issue. Under the guidelines, the initial inquiry is under  
3 section 4A1.1(d) which provides that the Court is to add two  
4 points if the defendant committed the instant offense while  
5 under any criminal justice sentence including probation,  
6 parole, supervised release, imprisonment, work release or  
7 escape status. When you look to the application notes for that  
8 section, a definition for a criminal justice sentence is a  
9 sentence countable under section 4A1.2 having a custodial or  
10 supervisory component.

11 When you then turn to 4A1.2 under section F,  
12 diversionary dispositions, that subsection provides diversion  
13 from the judicial process without a finding of guilt, e.g.;  
14 deferred prosecution is not counted, a diversionary disposition  
15 resulting from a finding or admission of guilt or a plea of  
16 nolo contendere in a judicial proceeding is counted as a  
17 sentence under 4A1.1(c) even if the conviction is not formally  
18 entered except a diversion from juvenile court is not counted.

19 I do find it is a criminal justice sentence that is  
20 countable under 4A1.2. It does have a custodial or supervisory  
21 component. It did follow a plea of guilty as reflected in the  
22 register of actions so I do think two points are properly  
23 scored. I believe there are no other guideline issues. Is  
24 that correct?

25 MR. KORN: That is correct, your Honor.

1 THE COURT: Do you agree with that?

2 MR. WININGER: I do agree, your Honor.

3 THE COURT: Okay. The guidelines are of course  
4 advisory and not mandatory, but we do need to score them. The  
5 base offense level is 28 because the offense does involve at  
6 least two kilograms, but less than 3.5 kilograms of cocaine.  
7 There are no special offense characteristics, no victim-related  
8 adjustment, no adjustment for role in the offense. There is no  
9 adjustment for obstruction of justice and therefore the offense  
10 level remains at 28. There is an adjustment for acceptance of  
11 responsibility for a total offense level then of 25, there  
12 being no Chapter Four enhancements. Is everyone in agreement  
13 with that?

14 MR. WININGER: The government agrees, your Honor.

15 THE COURT: Mr. Korn, are you in agreement with that?

16 MR. KORN: I am in agreement with that your Honor and  
17 I'm sorry, I was conferring with my client. I -- it's my  
18 understanding that the Court is not assessing the two points  
19 for the reckless endangerment. Is that correct?

20 THE COURT: That's correct. It was my understanding  
21 the government agreed with your position that they should not  
22 be assessed.

23 MR. KORN: Correct.

24 MR. WININGER: The government agreed it can't meet  
25 its burden, your Honor.

1 THE COURT: I'm sorry?

2 MR. WININGER: The government agreed it cannot meet  
3 its burden with respect to those two points.

4 THE COURT: Now the three prior convictions of the  
5 defendant resulted in seven criminal history points, I just  
6 ruled the two points are added for this offense having been  
7 committed while the defendant was on delayed sentence. That  
8 yields nine criminal history points producing a criminal  
9 history category of four. Everyone in agreement with that?

10 MR. WININGER: The government agrees, your Honor.

11 MR. KORN: We agree, your Honor.

12 THE COURT: All right. I believe then that with the  
13 total offense level of 25 and criminal history category of  
14 four, then the guideline imprisonment range is 84 months to 105  
15 months, but because of the statutory minimum of 10 years, the  
16 sentence must be at least 120 months. Is everyone in agreement  
17 with that?

18 MR. WININGER: Yes, your Honor.

19 MR. KORN: Yes, your Honor.

20 THE COURT: In terms of the sentencing options, under  
21 the statute the minimum is 10 years, the maximum is life. The  
22 guideline range was 84 months to 105 months, but there is the  
23 statutory minimum of 120 months. Under the Rule 11 plea  
24 agreement, the maximum is the mid-point of the guideline range,  
25 but not less than 120 months. Is that correct?

1 MR. WININGER: That is, your Honor.

2 MR. KORN: That is correct, your Honor.

3 THE COURT: I believe that the plea has not yet been  
4 accepted -- pardon me, the plea agreement has not yet been  
5 accepted by the Court. The plea agreement was taken under  
6 advisement. I assume both sides are urging me to adopt the  
7 agreement; is that right?

8 MR. KORN: Yes, your Honor.

9 MR. WININGER: Yes, your Honor.

10 THE COURT: Okay. The Court does adopt the and agree  
11 to the and accept the Rule 11 plea agreement. The statute  
12 provides for at least eight years of supervised release. I  
13 assume the maximum then would be life. Is that correct?

14 MR. WININGER: It is, your Honor.

15 MR. KORN: Yes, your Honor.

16 THE COURT: And then the guideline recommendation  
17 then is supervised release of at least eight years. Probation  
18 not authorized under the statute nor under the guidelines. The  
19 fine under the statute is the maximum of four million dollars,  
20 guideline range is 12,500 to four million dollars. Mandatory  
21 assessment fee is 100 dollars. Restitution is not applicable.  
22 All right, I'm going to entertain any argument from Mr. Korn  
23 and the defendant is entitled to address me directly regarding  
24 sentencing and then we'll hear from the government.

25 MR. KORN: Your Honor, would you like us to do that



1 from the table or from the podium?

2 THE COURT: Whatever is more comfortable for you.

3 MR. KORN: We'll go up to the podium. Your Honor,  
4 with respect to sentencing, I understand that, I understand  
5 that there is a, umm, 10 year minimum, mandatory minimum  
6 sentence in this matter, but I would like to say something  
7 about Mr. Jackson and that is that it's been an interesting  
8 experience representing Mr. Jackson. Our life experiences are  
9 very different. Our perspectives about life are very  
10 different, but we do share a common bond and this is where I  
11 have been very impressed with Mr. Jackson. I know in my own  
12 life, this is true, but I've been representing Mr. Jackson  
13 since July of 20 -- of 2010, it's almost a year now and one  
14 thing that's always impressed me about Mr. Jackson and it's  
15 something that I went through in my own life is I feel like he,  
16 he has reached a point in his life where he's looking back at  
17 his life and what he's done and realizes that he's just too old  
18 to keep doing this.

19 He has a 13 -- he's married, he has a 13-year-old  
20 daughter who he loves very much. He has a wife who's in the  
21 courtroom who he loves and he has a mother who he's very close  
22 to and I understand that in terms of the Statute of Limitations  
23 and the prosecution and all the rest of it this is not an old  
24 case, but for Mr. Jackson it's an old case. This happened in  
25 2009. Subsequent to this offense being committed, he was

1 sentenced on another matter to prison in the Michigan, with the  
2 Michigan Department of Corrections. He went to prison after  
3 this, after this happened, he went to prison and that's where I  
4 think he really began to realize that he just can't keep doing  
5 what he's doing.

6 He got out of prison and I spoke with his probation  
7 officer and she told me that he complied with all the  
8 conditions of his parole, that and he's still on parole, but he  
9 complied with all the conditions of his parole. Then in July  
10 when he was arrested on this offense in July of 2010, he was  
11 allowed to return home on bond and has been on pretrial release  
12 since July of 2010 and as far as I know, he's complied with all  
13 the conditions of pretrial release.

14 He's working very hard. He, he has a tough job. He  
15 works like six, 7:00 at night is when he reports to work and he  
16 doesn't come home until almost 6:00 in the morning and he works  
17 six or seven nights, days a week cleaning offices. He's been  
18 on tether so he's been really confined except when he's out  
19 working he's been confined to his home and he recognizes that  
20 he has to pay the price. He recognizes that he was involved in  
21 this stuff and he's got to pay the price, but he also  
22 recognizes when he gets out and it's a long time from now, 10  
23 years is a long time, but when he gets out, he really, he's  
24 done with it. He wants to spend the rest of his life being a  
25 devoted father which he is, a devoted husband and if

1 circumstances allow, he wants, he wants to, umm, be a devoted  
2 son and take care of his mom if she needs it. All I can say is  
3 I've been very impressed with his attitude about his life and I  
4 would ask the Court under the circumstances of this case to  
5 sentence Mr. Jackson to the mandatory minimum sentence of 120  
6 months.

7 THE COURT: All right. Mr. Jackson, anything you  
8 want to tell me regarding sentencing?

9 THE DEFENDANT: No, sir.

10 THE COURT: All right. Let's hear from the  
11 government then.

12 MR. WININGER: Your Honor, I don't think argument is  
13 necessary here. I'd ask the Court to sentence the defendant to  
14 120 months with the Bureau of Prisons.

15 THE COURT: The Court takes into account all of the  
16 factors required under Title 18 United States Code, Section  
17 3553 in fashioning a sentence that is sufficient, but not  
18 greater than necessary to comply with the purposes that are set  
19 forth in paragraph A2 of the statute. The factors that the  
20 Court takes into account are the nature and circumstances of  
21 the offense, the history and characteristics of this defendant,  
22 the need for a sentence to reflect the seriousness of the  
23 offense, to promote respect for the law, to provide just  
24 punishment, to afford adequate deterrence to criminal conduct,  
25 to protect the public from further crimes of this defendant, to

1 provide the defendant with needed educational or vocational  
2 training, medical care or other correctional treatment in the  
3 most effective manner.

4 This Court takes into account the variety of  
5 sentences that are available as set forth earlier by the Court  
6 in its colloquy with the attorneys. The Court also takes into  
7 account the guideline range that the Court addressed earlier as  
8 well as any pertinent policy statements and also takes into  
9 account the need to avoid unwarranted sentence disparities  
10 among defendants with similar records who have been found  
11 guilty of similar conduct.

12 The defendant has pled guilty to conspiracy to  
13 distribute cocaine. That is a serious offense as reflected by  
14 the fact that under the statute, the crime has a mandatory  
15 minimum of 10 years with a maximum penalty of life in prison.  
16 Our society is ravaged by drugs and those who traffic in drugs  
17 therefore are undermining the very fabric of our society. It's  
18 for that reason that Congress has enacted substantial penalties  
19 for those who traffic in drugs so there can be no minimizing of  
20 the seriousness of the nature of this offense.

21 The defendant unfortunately is no stranger to the  
22 criminal justice system. The Court has taken into account the  
23 criminal history of this defendant. He's had a conviction for  
24 possession of a loaded firearm. He's also had a second firearm  
25 possession and a possession of marijuana and possession of

1 cocaine. Also possession with intent to deliver less than 50  
2 grams of cocaine. Despite significant periods of  
3 incarceration, the defendant continued to re-offend and that's  
4 what brings him before the Court today.

5 The Court intends to announce its sentence, will give  
6 the attorneys an opportunity to state whether there's any legal  
7 reason why the Court should not impose that sentence. The  
8 Court intends to go along with the plea agreement and sentence  
9 the defendant to the statutory minimum of 120 months and also  
10 intends to impose supervised release of eight years. No fine  
11 and no restitution, but a special assessment is mandatory of  
12 100 dollars. Does either attorney have any legal basis why the  
13 Court should not or may not impose that sentence?

14 MR. KORN: No, your Honor. The only thing I would  
15 ask at this time is if the Court would consider recommending  
16 and it's just a recommendation, but if the Court would consider  
17 recommending placement in a comprehensive drug program. It's  
18 clear from the presentence report that he has had a long  
19 history of substance abuse and I think it would be available  
20 and he's willing, it would be beneficial and he's willing to  
21 avail himself of any drug treatment program that the Bureau of  
22 Prisons has to offer and unfortunately his sentence is long  
23 enough so that he can take advantage of the program. It's my  
24 understanding it's like a two and-a-half year waiting list for  
25 the program so if the Court would recommend that, he certainly

1 would appreciate that.

2 THE COURT: Yes, it's my intention to do that.

3 MR. KORN: Thank you, Judge.

4 THE COURT: All right. Any else?

5 MR. WININGER: Your Honor, I have no legal objection  
6 to the sentence.

7 THE COURT: All right. Pursuant to the Sentencing  
8 Reform Act of 1984 and having considered the sentencing  
9 guidelines as well as all the factors contained in Title 18  
10 United States Code, Section 3553 (a), the Court imposes the  
11 following sentence: It commits the defendant to the custody of  
12 the United States Bureau of Prisons for a term of 120 months.  
13 The Court recommends that the defendant be designated to an  
14 institution with a residential drug abuse treatment program.

15 Defendant is ordered to pay a special assessment of  
16 100 dollars due immediately. The Court waives imposition of a  
17 fine and the cost of incarceration, cost of supervision due to  
18 the defendant's lack of resources.

19 The Court imposes mandatory drug testing. Upon  
20 release from imprisonment, the defendant will be placed on  
21 supervised release for a term of eight years. While on  
22 supervision he shall abide by the standard conditions as set  
23 forth by United States District Court for the Eastern District  
24 of Michigan as well as the following special conditions: Due  
25 to the nature of the instant offense and his history of

1 substance abuse, defendant shall participate in a program  
2 approved by the probation for substance abuse which may include  
3 testing to determine if the defendant has reverted to the use  
4 of drugs or alcohol. Defendant shall not use or possess  
5 alcohol in any consumable form nor shall the defendant be in  
6 the social company of any person whom the defendant knows to be  
7 in the possession of alcohol or illegal drugs or visibly  
8 affected by them. Defendant shall not be found in anyplace  
9 that serves alcohol for consumption on the premises with the  
10 exception of restaurants.

11 In order to meet his financial responsibilities, the  
12 defendant shall be lawfully employed on a full-time basis or  
13 shall be seeking such lawful gainful employment on a full-time  
14 basis. Full-time basis means 40 hours a week. Other than  
15 advice of appellate rights, is there anything else regarding  
16 sentencing?

17 MR. KORN: Nothing further, your Honor.

18 MR. WININGER: No, your Honor.

19 THE COURT: Mr. Jackson, defendants generally have a  
20 right to appeal their convictions and sentences, however as  
21 part of your Rule 11 plea agreement you waived or gave up your  
22 right to appeal. Those waivers are generally enforceable, but  
23 if you believe that the waiver itself is not valid, then you  
24 can present that theory to an Appellate Court. If you do wish  
25 to appeal, then you should act promptly because that notice of

1 appeal must be filed within 10 days. If you are unable to  
2 afford an attorney, the clerk of the Court will assist you in  
3 preparing the necessary appellate papers.

4 I'm going to order that the presentence report be  
5 corrected in accordance with my rulings during our sentencing  
6 and that a corrected version of it be forwarded to the Bureau  
7 of Prisons and to the United States Sentencing Commission.  
8 Copies of the presentence report will be -- will remain  
9 confidential in accordance with the practice of our Court. All  
10 right. Is there anything else?

11 MR. KORN: May I address the issue of bond at this  
12 time?

13 THE COURT: All right.

14 MR. KORN: Your Honor, I understand that the statute  
15 18 U.S.C., I think it's 3143, if I may have one moment. It's  
16 buried here someplace.

17 (Pause)

18 MR. KORN: The statute 31, I think it's 3143 says  
19 that for a drug offense where the mandatory, where the maximum  
20 sentence is 10 years or more, the defendant shall be detained  
21 pending the sentence or execution of the sentence, however  
22 there is a, sort of an escape clause buried in 18 U.S.C. 3145  
23 which I think does give this Court the discretion to under, it  
24 says if the Court finds exceptional circumstances, that the  
25 Court can allow the conditions of bond to continue and allow



1 Mr. Jackson to self-surrender. I understand this is a complex  
2 issue.

3 With respect to Mr. Jackson, let me say that, again  
4 it seems to me that 18 U.S.C. 3145 gives the Court the  
5 discretion to allow Mr. Jackson to self-surrender and with  
6 respect to his personal circumstances as I pointed out in my  
7 sentencing argument, he, ever since he was released from  
8 prison, he's been exceptional. He has complied with all the  
9 conditions of his parole. He's been working very hard. He's  
10 complied with all the conditions of pretrial release in this  
11 Court and he's on tether, so he's been confined to home which I  
12 would ask to continue until it's time for him to  
13 self-surrender. I think the bottom line is that under the  
14 circumstances of this case and under his circumstances and what  
15 he's trying to do with his life, he deserves that opportunity.  
16 I know it's only a few weeks, sometimes a month, sometimes a  
17 month and-a-half, but I also know from representing other  
18 people, those few weeks are very, very important to people  
19 especially when they're looking at significant terms of  
20 imprisonment.

21 The other thing I would ask the Court to consider is  
22 technically the statute says he should have been locked up when  
23 he pled guilty and he wasn't and there's never been any  
24 allegation from anybody that he was a danger to the community  
25 or a flight risk or anything like that and so I would ask the

1 Court at least under the circumstances of this case to consider  
2 the continuation of bond at the sentencing sort of like the law  
3 of the case and just allow Mr. Jackson under the circumstances  
4 of this case to self-surrender. There's no reason to believe  
5 that he would do anything but just do what he's been doing and  
6 I would ask the Court to allow Mr. Jackson to self-surrender.

7 THE COURT: All right. Mr. Wininger?

8 MR. WININGER: Yes, your Honor. I think counsel's  
9 cited the codes correctly, 18 United States Code 3143 and 18  
10 United States Code 3145. I don't disagree with counsel that  
11 this Court has the discretion to determine if exceptional  
12 circumstances exist which would warrant the defendant to be  
13 allowed to self-surrender. Where I disagree with counsel is  
14 over the complexity of this issue. I don't think it is a  
15 complexed issue, I think it's a fairly straight-forward issue  
16 considering this Court's docket. The issue is in this case  
17 have exceptional circumstances been offered which would warrant  
18 a self-surrender.

19 I would cite the Court to United States v. Lee, 360  
20 Fd 3rd, 401, that's a Second Circuit case out of 2004.  
21 Exceptional circumstances exist where there is a unique  
22 combination of circumstances giving rise to situations that are  
23 out of the ordinary. I would also cite the Court to  
24 United States v. Little, 485 Fd 3rd, 1210, that's an eighth  
25 circuit case from 2007 in which the Eighth Circuit held

1 explicitly it is not exceptional to expect every defendant to  
2 timely appear in court and to obey the Court's order concerning  
3 pretrial conditions of release.

4 I don't deny that the defendant has appeared in court  
5 and complied with his conditions of release. I think by  
6 operation of statute the defendant should be detained. Mr.  
7 Korn has alluded to the circumstances of this case. This case  
8 involved this defendant delivering or conspiring to deliver  
9 kilos of cocaine. It is now a fact of this case that the  
10 defendant did so conspire. He manipulated others in this  
11 conspiracy. He arranged for his co-defendant to accept  
12 deliveries of cocaine that weren't to his residence to keep him  
13 out of or as removed from the conspiracy as possible. So I  
14 don't think anything about the situation or facts of this case  
15 give rise to an exceptional circumstance and I have not heard  
16 anything else tendered to the Court or offered to the Court  
17 which would, so I'd ask the Court to detain the defendant.

18 MR. KORN: If I may, your Honor, what's unique and  
19 what's exceptional really depends on, on the personal  
20 circumstances of the individual and with respect to  
21 Mr. Jackson, given where he's come from and given what he's  
22 done since he's been released in prison, with respect to  
23 Mr. Jackson, it may be what's expected of me or anybody else in  
24 this courtroom, but with respect to Mr. Jackson I think it is  
25 unique and it is exceptional and I would ask the Court to allow

1 him to self-surrender.

2 THE COURT: The statute sets out the framework for  
3 addressing the request made by defendant through counsel.  
4 Congress has determined that for certain classes of defendants,  
5 the presumption will be that they must surrender immediately  
6 unless they can establish that there are exceptional  
7 circumstances to be excused from immediate incarceration. The  
8 Court has addressed this matter on a prior occasion and  
9 reviewed the authorities quite extensively at that time. There  
10 have been no briefs submitted in this case, but I think the  
11 ground has been plowed fairly well before.

12 The Court's discretion is not unlimited. It's in  
13 fact limited to whether or not there are exceptional  
14 circumstances. What the defendant offers as qualifying as an  
15 exceptional circumstance is the fact that he's complied with  
16 his bond conditions. That certainly is commendable, but it's  
17 the decision referenced by the attorney for the government,  
18 anyone on bond is expected to observe those conditions and  
19 there's nothing exceptional about a defendant observing those  
20 conditions. By observing those conditions, the defendant is  
21 awarded by being allowed to remain on bond pending the  
22 disposition whether by verdict or by acceptance of a plea, but  
23 once there is a conviction, then the analysis changes to  
24 whether or not there are some exceptional circumstances to  
25 justify a continuation of the defendant remaining at liberty.

1           I come to the conclusion that there really isn't any  
2     circumstance that qualifies as out of the ordinary. This  
3     defendant will have to serve his sentence and while it's  
4     understandable that he'd like to remain at liberty until that  
5     time for serving sentence would arrive, wanting to remain at  
6     liberty doesn't constitute an exceptional circumstance.

7           In terms of the law of the case argument, I reject  
8     that as well. There was certainly nothing that this Court  
9     ruled on that would suggest that the defendant could remain at  
10    liberty once the government invoked the statute that  
11    presumptively requires incarceration unless exceptional  
12    circumstances are shown justifying the defendant remaining at  
13    liberty. So I don't believe that there's any merit to the law  
14    of the case argument. In any case, this Court is bound by the  
15    statute, it's not free to deviate from it and I do find that  
16    there are no exceptional circumstances that would allow the  
17    Court to justify allowing the defendant to remain at liberty so  
18    I'm going to order that he be remanded immediately. Anything  
19    else?

20           MR. KORN: Nothing further. Thank you, your Honor.

21           MR. WININGER: No, your Honor, thank you.

22           THE COURT: All right. Good luck to you,  
23     Mr. Jackson.

24           THE DEFENDANT: Thank you.

25           (Concluded at 10:44 a.m.)

C E R T I F I C A T E

I, David B. Yarbrough, Official Court  
Reporter, do hereby certify that the foregoing pages  
comprise a true and accurate transcript of the  
proceedings taken by me in this matter on Tuesday, June  
7th, 2011.

11/30/2012

Date

/s/ David B. Yarbrough

David B. Yarbrough, CSR, FCRR  
600 Church Street  
Flint, MI 48502